

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

MINERVA INDUSTRIES, INC.,

Plaintiff,

v.

MOTOROLA, INC., et al.

Defendants.

**Civil Action No: 2:07-CV-229-CE**

**The Honorable Charles Everingham IV,  
United States Magistrate Judge**

AND RELATED COUNTERCLAIMS.

**JOINT MOTION FOR DISMISSAL WITH PREJUDICE AS TO  
DEFENDANT HTC AMERICA, INC.**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff Minerva Industries, Inc. (“Plaintiff”) and Defendant HTC America, Inc. (“Defendant”) stipulate and agree that Plaintiff’s and Defendant’s claims and counterclaims in the above-captioned action should be dismissed with prejudice and that each party shall bear its own costs and attorneys’ fees.

The parties respectfully request that the Court enter an order granting same.

Dated: February 10, 2010

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on February 10, 2010. Any other counsel of record will be served via First Class U.S. Mail on this same date.

By: /s/ Marc A. Fenster